

REMARKS

Claims 1 to 17 were pending in the application at the time of examination. Claims 1 to 17 stand rejected as directed to non-statutory subject matter. Claims 1 to 17 stand rejected as obvious.

Claims 1 to 17 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory matter. While Applicant does not agree with this rejection, to move prosecution forward each of Claims 1, 6, 11 and 13 has been amended. Specifically, the limitation of Claim 4 has been moved into Claim 1 and Claim 4 cancelled. The limitation of Claim 9 has been moved into Claim 6 and Claim 9 cancelled. Claim 11 has been amended to add the ordered result limitation. The limitation of Claim 16 has been moved into Claim 13 and Claim 16 cancelled. The amendments are supported, for example, by at least the original claims and Fig. 4. Applicant respectfully submits that Claims 1 to 3, 5 to 8, 10 to 15 and 17, as amended, obviate the § 101 rejection of each of these Claims. Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection of each of Claims 1 to 3, 5 to 8, 10 to 15 and 17.

Claims 1 to 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,890 to Shoji et al. (hereinafter, Shoji) in view of U.S. Patent No. 6,792,416 to Soetarman et al. (hereinafter, Soetarman). Applicant respectfully submits that Claim 1, as amended, overcomes the obviousness rejection and therefore traverses the obviousness rejection.

Applicant respectfully notes that the database system of Shoji is fundamentally different from the database system of Soetarman and for a combination of references, the MPEP requires that the primary reference still work for its intended purpose. Considering the basic differences of the two systems, such a showing has not been made. However, it is not necessary to resolve this issue to demonstrate that Claim 1 distinguishes

over the combination. Therefore, assuming arguendo that the combination is correct, the combination teaches away from Applicant's invention as recited in Claim 1.

The rejection cited cited Col. 20, lines 9 to 17 of Soetarman as suggesting the ordered result. This part of Soetarman taught:

Result merging. Merges the results from several native datastores into a federated collection.

The federated result set cursor object provides the facility to separate query results according to the source native datastores. To do such a processing, the user/application may either use the federated cursor to fetch data or a native datastore cursor to fetch data from a particular datastore. (Emphasis Added.)

Thus, the prior art expressly taught that the user/application had to fetch the desired results. This teaches away from the merging driver ordering the results as recited in Claim 1. Therefore, Claim 1 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2, 3 and 5 depend directly or indirectly from Claim 1 and therefore distinguish over the cited art for at least the same reasons as Claim 1. Applicant respectfully requests reconsideration and withdrawal of each of the obviousness rejections of Claims 2, 3 and 5.

Applicant respectfully submits that each of amended Claims 6 and 13 overcome the obviousness rejection. Claims 6 and 13 were rejected for the same reasons as Claim 1. Therefore, as discussed with respect to amended Claim 1 and incorporated herein by reference, the Office Action failed to show how the cited references, alone or in combination, taught or suggested all of the claim limitations of amended Claims 6 and 13. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of each of Claims 6 and 13.

Claims 7, 8 and 10 and Claims 14, 15 and 17 depend directly or indirectly from amended Claims 6 and 13, respectively, and therefore distinguish over the cited art for at least the same reasons as amended Claims 6 and 13. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection each of Claims 7, 8 and 10 and each of Claims 14, 15 and 17.

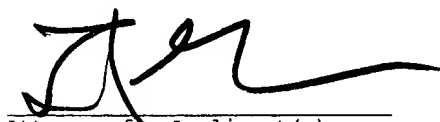
Applicant respectfully submits that Claim 11, as amended, overcomes the obviousness rejection. As discussed above with respect to amended Claim 1 and incorporated herein by reference, the Office Action failed to show that the cited sections of the references, alone or in combination, taught or suggested all of the claim limitations of Claim 11, as amended, an in particular the merging driver generating an ordered result. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 11.

Claim 12 depends from amended Claim 11 and so distinguishes over the prior art references for at least the same reasons as amended Claim 11. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 12.

Claims 1 to 3, 5 to 8, 10 to 15, and 17 remain in the application. Claims 1, 6, 11 and 13 have been amended. Claims 4, 9 and 16 are cancelled. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 19, 2006.

  
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Attorney for Applicant(s)  
Signature

December 19, 2006  
Date of

Respectfully submitted,



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